



8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 *Miguel Angel Montoya*  
*Madrid*  
15 Defendant.

}  
10 - MS - 849  
} ORDER OF DETENTION AFTER HEARING  
(18 U.S.C. § 3142(i))

17 I.

- 18 A.  On motion of the Government involving an alleged  
19     1.  crime of violence;  
20     2.  offense with maximum sentence of life imprisonment or death;  
21     3.  narcotics or controlled substance offense with maximum sentence of ten or more  
22         years (21 U.S.C. §§ 801,951, et seq.,/955a);  
23     4.  felony - defendant convicted of two or more prior offenses described above;  
24     5.  any felony that is not otherwise a crime of violence that involves a minor victim, or  
25         possession or use of a firearm or destructive device or any other dangerous weapon,  
26         or a failure to register under 18 U.S.C. § 2250.

27 B.  On motion  (by the Government) /  (by the Court sua sponte involving)

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ORDER OF DETENTION AFTER HEARING (18 U.S.C. §3142(i))

- 1        1. ( ) serious risk defendant will flee;
- 2        2. ( ) serious risk defendant will
  - 3            a. ( ) obstruct or attempt to obstruct justice;
  - 4            b. ( ) threaten, injure, or intimidate a prospective witness or juror or attempt to do so.

5            *On the present record*  
6        The Court finds no condition or combination of conditions will reasonably assure:

- 7            A.  appearance of defendant as required; and/or
- 8            B.  safety of any person or the community.

9            III.

10          The Court has considered:

- 11          A.  the nature and circumstances of the offense, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device;
- 12          B.  the weight of evidence against the defendant;
- 13          C.  the history and characteristics of the defendant;
- 14          D.  the nature and seriousness of the danger to any person or to the community.

17            IV.

18          The Court concludes:

- 19          A.  Defendant poses a risk to the safety of other persons or the community because:

20          *Prior Record*  
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1       B.  History and characteristics indicate a serious risk that defendant will flee because:

2       nature of charge; lack of pri-rekunt  
3       information; illegal status

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C.  A serious risk exists that defendant will:

9       1.  obstruct or attempt to obstruct justice;

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2.  threaten, injure or intimidate a witness/ juror, because:

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D.  Defendant has not rebutted by sufficient evidence to the contrary the presumption

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provided in 18 U.S.C. § 3142 (e).

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IT IS ORDERED *Detain prior to trial* that defendant be detained prior to trial.

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IT IS FURTHER ORDERED that defendant be confined as far as practicable in a corrections facility separate from persons awaiting or serving sentences or person held pending appeal.

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IT IS FURTHER ORDERED that defendant be afforded reasonable opportunity for private consultation with his counsel.

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DATED: 4/15/10

U.S. MAGISTRATE / DISTRICT JUDGE

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